

## ARKANSAS STATE CLAIMS COMMISSION

### May 2021 Minutes

The Arkansas State Claims Commission (the “Claims Commission”) held in-person hearings on May 13, 2021. The following members of the Claims Commission were present:

Courtney Baird  
Dexter Booth  
Henry Kinslow, Chair

The following claim was heard:

***James Construction Group, LLC v. Arkansas Department of Transportation***, Claim No. 181073. Claimant filed this claim against Respondent seeking damages related to breach of a contract. At the hearing, Claimant was represented by Patrick Wilson, and Respondent was represented by Mark Umeda. Following the hearing, the Claims Commission asked the parties for post-hearing briefing on the issue of exhaustion of remedies. The Claims Commission has not yet issued a decision on this claim.

The Arkansas State Claims Commission (the “Claims Commission”) held hearings via Zoom on May 14, 2021. The following members of the Claims Commission were present:

Courtney Baird  
Paul Morris, Chair  
Sylvester Smith

The following claims were heard:

***Dana Manasco v. Arkansas Department of Transportation***, Claim No. 210484. Claimant filed her claim seeking reimbursement for damages to a rental vehicle. At the hearing on Respondent’s motion to dismiss, Claimant proceeded *pro se*, and Trella Sparks appeared on behalf of Respondent. The Claims Commission placed this claim IN ABEYANCE for a period of 60 days to permit Claimant time to pursue coverage possibilities with her insurer and to allow Respondent to investigate whether it would admit liability for Claimant’s damages within the limits of Ark. Code Ann. § 19-10-302.

***Malik Muntaqim v. Arkansas Division of Correction***, Claim No. 200013. Claimant filed his claim seeking damages related to lost property. At the hearing, Thomas Burns was in attendance on behalf of Respondent. Sgt. Franklin advised the Claims Commission at the outset of the hearing that Claimant declined to attend the hearing and did not provide a reason why he was not attending. As such, pursuant to Claims Commission Rule 5.2, the Claims Commission DISMISSED Claimant’s claim without prejudice for failure to prosecute.

***Omar Hill v. Arkansas Division of Correction***, Claim No. 190038. Claimant filed his claim for personal injuries after Claimant was attacked by another inmate while Respondent’s employee was asleep in the control booth. At the hearing, Claimant was represented by Sheila F. Campbell, and Respondent was represented by Thomas Burns. Respondent did not dispute liability but did dispute the amount of claimed damages. Based on the pleadings, testimony, argument of the parties, and the law of the State of Arkansas, by a 2-1 vote, the Claims Commission AWARDED Claimant \$14,000.00. Commissioner Morris concurred in the finding of liability but dissented from the decision to award more than Claimant pled in the complaint.

***Fidel Garcia v. Arkansas Division of Correction***, Claim No. 181016. Claimant filed his claim for personal injuries suffered by Claimant when he was thrown from a truck driven by an ADC employee. At the hearing, Claimant was represented by Sheila F. Campbell, and Respondent was represented by Thomas Burns. At the beginning of the hearing, Respondent confirmed that its offer of judgment of \$3,500.00 was still available, and Claimant accepted the offer. As such, the Claims Commission ALLOWED the claim in the amount of \$3,500.00.

***Alvin Biggs v. Arkansas Division of Correction***, Claim No. 190029. Claimant filed his claim for personal injuries suffered by Claimant when tar leaked through the roof of Claimant's unit and burned his hand. At the hearing, At the hearing, Claimant was represented by Sheila F. Campbell, and Respondent was represented by Thomas Burns. Based on the pleadings, testimony, argument of the parties, and the law of the State of Arkansas, the Claims Commission AWARDED Claimant \$350.00.

This completed all of the business on the May 2021 Claims Commission docket.



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**Kathryn Irby, Director**

Date: June 1, 2021